

**SERAFINI, MICHALOWSKI, DERKAEZ & ASSOCIATES**

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Attorneys for Defendants, AMERICAN MASSAGE THERAPY and HYATT CORP.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

GLENN A BRYAN,

Plaintiff,

v.

HYATT CORPORATION, a Delaware  
Corproation dba MANCHESTER GRAND  
HYATT, and JANE DOE (Hyatt Spa  
Massauese),

Defendants.

) CASE NO. 08CV0181-IEG(BLM)

) **[PROPOSED] DISCOVERY PLAN AND**  
) **SCHEDULING ORDER SUBMITTED IN**  
) **COMPLIANCE WITH FRCP 26(1)(e)**

Plaintiff SALAH M. HASSANEIN ("HASSANEIN"), Defendant BANK OF AMERICA,  
N.A. ("BANK OF AMERICA") and Third Party Defendant RICHARD H. LINSLEY  
("LINSLEY") (collectively "Parties"; singularly "Party") hereby submit the following proposed  
joint Discovery Plan and Scheduling Order.

1. **Fed.R.Civ.P. 26(f) Conference:** On March 11, 2008, the following Parties  
participated in a conference call to discuss all of the issues required by Fed.R.Civ.P. 26(f):

***Attorneys for Plaintiff:***

Phillip S. Serafini, SB# 45085  
Serafini, Michalowski, Derkaez & Associates  
38600 Van Dyke Avenue, Suite 250  
Sterling Heights, MI 48312

***Attorneys for Defendant:***

Brian A. Rawers  
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2. **Fed.R.Civ.P. 26(f) Changes:** As changes need to be made to the times prescribed by the Federal Rules of Civil Procedure and the Local Rules of Practice, the following dates apply:

a. **Fed.R.Civ.P. 26(a)(1) Initial Disclosures:** Initial disclosures shall be made by March 25, 2008, as ordered by the Court.

b. **Discovery Cut-Off Date:** The Parties jointly propose October 30, 2008 the cut-off date for discovery.

c. **Amending the Pleadings and Adding Parties:** All motions to amend the pleadings or to add parties shall be filed not later than June 1, 2008.

d. **Fed.R.Civ.P. 26(a)(2) Disclosures (Experts):** Disclosures concerning experts shall be made by July 30, 2008, 60 days before the discovery cut-off date. Disclosures concerning rebuttal experts shall be made by August 15, 2008.

e. **Dispositive Motions:** The date for filing dispositive motions shall not be later than December 1, 2008. approximately 30 days after the discovery cut-off date. In the event that the discovery period is extended from the discovery cut-off date set forth in this Discovery Plan and Scheduling Order, the date for filing dispositive motions shall be extended to be not later than 30 days from the subsequent discovery cut-off date.

f. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than December 30, 2008. approximately 30 days after the cut-off date for filing dispositive motions. In the event that dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after decision on the dispositive motions or until further order of the court. In the further event that the discovery period is extended from the discovery cut-off date set forth in this Discovery Plan and Scheduling Order, the date for filing the joint pretrial order shall be extended in accordance with the time periods set forth in this paragraph.

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3. **Fed.R.Civ.P. 26(a)(3) Disclosures:** The disclosures required by Fed.R.Civ.P. 26(a)(3), and any objections thereto, shall be included in the joint pretrial order.

4. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any modifications or extensions of this Discovery Plan and Scheduling Order must be made to the Magistrate, and must comply fully with Local Rules.

5. **Fed.R.Civ.P. 26(f)(2) Scope of Discovery:** Discovery should extend to the full extent allowed by the Federal Rules of Civil Procedure. Discovery should not be limited to any particular issues, and discovery should cover all issues that are subject of Plaintiff's Complaint and any or Defenses raised by the Parties.

6. **Fed.R.Civ.P. 26(f)(3) Electronically Stored Information:** At the election of the producing Party, electronically stored information may be produced in printed form or electronic form. If electronically stored information is produced in electronic form, such information must be produced in a form in which the receiving Parties are reasonably able to view the produced information; notwithstanding the foregoing, the producing Party shall not be obligated to produce electronically stored information in the same form in which such electronically stored information was created or maintained. If electronically stored information is produced by the producing Party that requires the use of software not already or readily available (at no cost) to the receiving Party reasonably contemporaneous to the time of the production, the producing Party must: (i) to the extent permitted by the applicable software license, grant the receiving Party a limited license to software that will enable the receiving Party to view the electronically stored information, (ii) provide a reasonable time for the receiving Party to obtain software that will enable the receiving Party to view the electronically stored information, or (iii) make the electronically stored information available for inspection at the offices of the producing Party's counsel, at a mutually convenient time, with such time being during normal working hours and on contiguous dates. After inspecting electronically stored information, any inspecting Party shall have the option of requesting a printout of the electronically stored information.

7. **Fed.R.Civ.P. 26(f)(4) Claims of Privilege or Protection as Trial-Preparation Material:** A Party claiming that any item within the scope of discovery is protected as either

privileged or as trial preparation material shall submit a detailed privilege log detailing the nature of the privilege or the basis for the item's or items' protection as trial preparation material.

8. **Fed.R.Civ.P. 26(f)(6) Orders**: Not applicable.

9. **Settlement**: In accordance with Fed.R.Civ.P. 26(f), the Parties explored at length settlement opportunities at the Rule 26(f) conference. All Parties agreed to potential mediation of this claim, after initial written and oral discovery have been completed.

10. **Later-Appearing Parties**: A copy of this Discovery Plan and Scheduling Order shall be served on any person who is hereafter added as a Party to this action within five days of that later-appearing Party's first appearance. This Discovery Plan and Scheduling Order shall apply to such later-appearing Part[y][ies], unless a stipulation of the Parties is approved by this Court, or this Court, on motion for good cause shown, orders otherwise.

SERAFINI MICHALOWSKI DERJAEZ &  
ASSOCIATES

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
Phillip S. Serafini  
Attorney for Plaintiff  
GLENN BRYAN

LEWIS BRISBOIS BISGAARD & SMITH LLP

DATED: March 13, 2008

By: Brian A. Rawers  
Brian A. Rawers  
Attorney for Defendants  
AMERICAN MASSAGE THERAPY and HYATT  
CORP.

**IT IS SO ORDERED:**

DATED: \_\_\_\_\_

\_\_\_\_\_  
BARBARA L. MAJOR  
United States Magistrate Judge

1 privileged or as trial preparation material shall submit a detailed privilege log detailing the nature  
2 of the privilege or the basis for the item's or items' protection as trial preparation material.

3 8. Fed.R.Civ.P. 26(f)(6) Orders: Not applicable.

4 9. Settlement: In accordance with Fed.R.Civ.P. 26(f), the Parties explored at length  
5 settlement opportunities at the Rule 26(f) conference. All Parties agreed to potential mediation of  
6 this claim, after initial written and oral discovery have been completed.

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11 Court, or this Court, on motion for good cause shown, orders otherwise.

12  
13 SERAFINI MICHALOWSKI DERJAEZ &  
14 ASSOCIATES

15 DATED: 3/17/08

By: 

Philip S. Serafini  
Attorney for Plaintiff  
GLENN BRYAN

16  
17 550 WEST 10<sup>TH</sup> STREET, SUITE 800  
SAN ANGELO, TEXAS 76901-3640

TELEPHONE (817) 233-1006

18 LEWIS BRISBOIS BISGAARD & SMITH LLP

19  
20 DATED: 3/13/08

By: 

Brian A. Rawers  
Attorney for Defendants  
AMERICAN MASSAGE THERAPY and HYATT  
CORP.

21  
22  
23  
24 IT IS SO ORDERED:

25  
26 DATED: \_\_\_\_\_

BARBARA L. MAJOR  
United States Magistrate Judge